

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11607 of 2004

Between:

Nadakuditi Pitchaiah S/o.Ramaswamy
Old ibrahimpatnam, Krishna District.

..... PETITIONER

AND

The Executive Engineer and River Conservator
Krishna Central Division, Vijayawada-520002
Irrigation Department.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly a writ of mandamus declaring the inaction on the part of the respondents as illegal and ultra virus to the provisions of Articles 14 and 21 of the constitution of India besides directing to consider the representation submitted by the petitioner for extension of the lease through the representation dated 15-4-2004 and pass.

Counsel for the Petitioner : MR.V.S.R.ANJANEYALU, Advocate.

**Counsel for the Respondent: GP FOR IRRIGATION & COMM
AREA DEV.**

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction of the respondent in disposing of the representation of the petitioner dated 15-04-2004, which was made by him seeking extension of the lease for another period of two years from June, 2004 to May, 2006 in respect of an extent of Ac.9.63 cents of land in Survey No.335/15 of Ibrahimpatnam village, Krishna District.

According to the petitioner, the said land is a lanka land which is classified as 'porambok' in revenue records. It is stated that the petitioner has been in occupation of the land since about thirty years and carrying on agricultural operations by installing necessary motor after clearing the land from shrubs and bushes. It is also the case of the petitioner that he belongs to the downtrodden community and living on agriculture. On the representation of the petitioner the lease is being renewed from time to time and as the earlier lease has expired by the year 2004, the petitioner has made an application for consideration of further extension. As no orders have been passed by the respondent, the petitioner has come up with the present writ petition.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Irrigation and Command Area Development.

The grievance of the petitioner is that the representation made by him on 15-04-2004 was not considered and appropriate orders were not passed by the respondent with reference to the extension of lease in respect of Ac.9.63 cents of land in Survey No.335/15 of Ibrahimpatnam village. In view of the pendency of the said representation of the petitioner before the respondent, the respondent is directed to consider the representation of the petitioner and pass appropriate orders on merits within a period of four weeks from the

date of receipt of a copy of this order. If there are any arrears payable by the petitioner in respect of the lease of the earlier periods, the petitioner is not entitled for any extension of the lease, even if the respondent decided to extend, until and unless the petitioner pays those arrears.

The writ petition is accordingly disposed of at the admission stage.

08-07-2004

ES/VRN

To

1. The Executive Engineer and River Conservator Krishna Central Division, Vijayawada-520002 Irrigation Department.
2. Two CCs to the G.P. for Irrigation and Command Area Development, High Court Building, High Court of Hyderabad (OUT).
3. Two CD copies.